

Message Text

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DRAFTED BY L/M:JABOYD:EJS

APPROVED BY L/M:KEMALMBORG

EA/PHL: R. T. WILNER

EA/EX: D. WETHERBEE

JUSTICE: B. A. RISTAU

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JUSTICE: B. A. RISTAU

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FM SECSTATE WASHDC

TO AMEMBASSY MANILA

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E.O. 11652: N/A

TAGS: APER, AFSP, RP

SUBJECT: LITIGATION INVOLVING EMBASSY LEASED HOUSE

REFTEL: MANILA 380

1. AS EMBASSY IS AWARE, THE DEPT OF JUSTICE HAS FOR THE PAST TWENTY YEARS RETAINED THE SERVICES OF THE LAW FIRM OF SYCIP, SALAZAR, AND LUNA, AND AS A RESULT OF THE GREAT VARIETY OF THE LITIGATION WHICH THAT FIRM HAS HANDLED ON BEHALF OF THE USG DURING THAT PERIOD, THAT FIRM IS THE MOST KNOWLEDGEABLE ABOUT USG LITIGATION, SOVEREIGN IMMUNITY, DIPLOMATIC IMMUNITY, CONSULAR IMMUNITY, AND RELATED FIELDS. THOUGH JUSTICE IS NOT ADVERSE TO RETAINING THE SERVICES OF NEW COUNSEL FOR THIS CASE, JUSTICE WOULD APPRECIATE THE EMBASSY'S VIEWS AS TO WHY THE EMBASSY DOES NOT RECOMMEND RETENTION OF THE SYCIP FIRM AND AS TO THE EXPERIENCE OF ATTORNEY AYUYAO IN THESE AREAS OF THE LAW. FURTHER, JUSTICE NOTES THAT THE SYCIP FIRM RATES FOR PROFESSIONAL LIMITED OFFICIAL USE

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SERVICES RENDERED ARE VERY MODERATE DUE TO OUR LONG STAND-

ING RELATIONSHIP WITH THE SYCIP FIRM. IT IS DOUBTFUL THAT SIMILARLY FAVORABLE RATES COULD BE OBTAINED NOW FROM NEW COUNSEL. IF, ON THE OTHER HAND, THE EMBASSY HAS REASON FOR PREFERRING THE SELECTION OF NEW COUNSEL, DEPT WOULD APPRECIATE BEING INFORMED OF SUCH REASONS. IN ANY

EVENT JUSTICE IS PREPARED TO PAY REASONABLE FEES FOR SERVICES RENDERED TO DATE BY ATTORNEY AYUYAO; HOWEVER, BEFORE PROCEEDING TO FORMALLY RETAIN SERVICES OF ATTORNEY FOR THIS CASE, JUSTICE REQUESTS PROMPT RESPONSE ON ABOVE QUESTIONS.

2. EMBASSY REQUESTED TO SEND COPY OF ALL PERTINENT DOCUMENTS INCLUDING LEASE AND ANY AMENDMENTS THERETO, NOTES SUBMITTED TO DFA AND REPLIES THERETO, AND COURT NOTICES, OPINIONS, AND ORDERS.

3. JUSTICE REQUESTS THAT ATTY AYUYAO TAKE NO OTHER ACTION BEFORE COURT AT THIS TIME OTHER THAN TO SEEK DELAY UNTIL DEPT HAS RECEIVED NOTED DOCUMENTS. DEPARTMENT OF JUSTICE SHOULD, OF COURSE, BE CONSULTED IN ADVANCE CONCERNING ASSERTION OR WAIVER OF DEFENSE OF SOVEREIGN AND DIPLOMATIC IMMUNITY. KISSINGER

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